

### **Remarks**

Applicants have carefully reviewed the Office Action mailed on April 10, 2007. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 33, 35, 38, 41, 53, and 56 are amended. No new matter is added. Please cancel claim 34 without prejudice. Claims 33, 35, 38-50, and 53-63 remain pending.

### **Claim Objections**

Claims 38-44 and 53-59 are objected to because of the following informalities: Claims 38 and 53 depend from cancelled claims. The Examiner indicated that claim 38 will be considered as being dependent from claim 33 and that claim 53 will be considered dependent from claim 49. In response to this objection, claims 38 and 41 are amended to depend from claim 33. Claims 53 and 56 are amended to depend from claim 49. Applicants respectfully submit that these amendments overcome the objection.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 33, 34, 35, 38, 41-50, 53, and 56-63 are rejected under 35 U.S.C. §102(e) as being anticipated by Gilson et al. in U.S. Patent Application Publication No. US 2002/0052626. Please note that claim 34 is now cancelled. Regarding claims 33, 35, 38, and 41-48, claim 33 is amended to recite that the step of coupling the loading tool to the delivery sheath is accomplished by fitting the loading tool over the exterior surface of the delivery sheath. The Examiner indicated that Gilson et al. discloses that “[t]he loading tool (7) fits over the exterior of the delivery sheath (43).” We believe that the Examiner has mischaracterized the art.

First of all, reference number 43 in Gilson et al. refers to an inner elongate sleeve 43, which is part of the filter element 40. Indeed, the filter body 41 and frame 42 are mounted on the sleeve 43. See: Para. [0211]. Accordingly, if sleeve 43 of Gilson et al. is interpreted to be a delivery sheath, all the claim limitations of claim 33 are not taught or suggested. For example, claim 33 recites the step of pulling the filter within the lumen of the delivery sheath. Because the filter element 40 of Gilson et al. is mounted on sleeve 43, Gilson et al. cannot teach or suggest this step.

Furthermore, the loading device 7 of Gilson et al. is shown disposed within the distal end 12 of delivery catheter 2. See: Figure 59, for example, where the loading tube 83 is disposed within the pod 13 at the distal end 12 of delivery catheter 2. Indeed, Gilson indicates that the thin walled loading tube 83 of loading device 7 is positioned within the reception space of the delivery catheter 2. See: Para. [0231]. Consequently, Gilson et al. cannot anticipate the step of coupling the loading tool to the delivery sheath by fitting the loading tool over the exterior surface of the delivery sheath.

Based on these distinctions, Applicants respectfully submit that amended claim 33 is distinguishable from the cited art. Because claims 35, 38, 41-49 depend from claim 33 they are also patentable over the cited art for the same reason and because they add significant elements to distinguish them further from the art.

Regarding claims 49-50, 53, and 56-63, claim 49 recites coupling the loading tool to the delivery sheath by fitting the loading tool over the exterior surface of the delivery sheath. For reasons similar to those set forth above in relation to claim 33, Applicants respectfully submit that this limitation distinguishes claim 49 as well as claims 50, 53, and 56-63 depending therefrom from the cited art.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 39, 40, 54, and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilson et al. MPEP §2143 states that in order to establish a prima facie case of obviousness all the claim limitations must be taught or suggested. For the reasons set forth above, Applicants respectfully submit that Gilson et al. fails to teach or suggest all the limitations of claims 33 and 49. Because claims 39-40 and 54-55 depend from claims 33 and 49, respectively, they are also patentable over the cited art for the same reason and because they add significant elements to distinguish them further from the art.

#### **Conclusion**

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his attorney,

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